IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 5317 of 2006(G)

PETITIONER:

JOMI SARA CHANDY, MINOR 17 YEARS,
REPRESENTED BY HER GUARDIAN MINI CHANDY,
24 HARISREE NAGAR, NEAR SANKERS HOSPITAL,
KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. UNION OF INDIA, REPRESENTED BY
SECRETARY, MINISTRY OF EDUCATION, NEW DELHI.

2. THE CHIEF EXECUTIVE AND SECRETARY,
COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE
EXAMINATION, PRAGATI HOUSE, 3RD FLOOR,
NEHRU PALACE, NEW DELHI.

3. THE EDUCATION OFFICER,
COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE
EXAMINATION, PRAGATI HOUSE, 3RD FLOOR,
NEHRU PALACE, NEW DELHI.

BY ADV. SRI.MAJNU KOMATH, ADDL.CGSC
SRI.P.B.SURESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS.

P2 PASS CERTIFICATE ISSUED BY R2.

P3 PASS CERTIFICATE ISSUED BY R2.

P4 REPRESENTATION FILED BEFORE R2 DT 2.8.05.

P5 COMMUNICATION DT 29.8.05.

P6 ORDER DT 14.9.05 ISSUED BY R3.

RESPONDENTS' EXHIBITS:

R2(A) APPLICATION SUBMITTED DT 16.3.93.

R2(B) APPLICATION FOR ADMISSION TO ISC (12) COURSE.

R2(C) COUNCIL'S EXAMINATION REGULATION.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 5317 OF 2006 G

Dated this the 7th day of December, 2006

J U D G M E N T

Prayer in the writ petition is for direction to respondents 2 and 3 to correct petitioner's date of birth in Exts.P2 and P3 certificates of pass of the Indian School Certificate Examination in the 10th and 12th standards, respectively. Petitioner has produced Ext.P1 birth certificate issued by the statutory authority namely, Registrar of Births and Deaths, Kilikollur Panchayat, which shows that petitioner's date of birth is 17.7.1988 as against the wrong date of birth shown in the school records Exts.P2 and P3 as 17.5.1988. It is seen from Ext.P5 that Principal of the school has forwarded the petitioner's request for change of date of birth. However, the Council for the Indian School Certificate Examination declined change of date of birth because application is filed beyond one year of passing the ICSE examination. Petitioner is challenging Ext.P6 order issued by the Council. I do not think the attitude of the Council is correct because date of birth of the petitioner cannot be different in different records. The authentic record of date of birth is extract of the statutory register, which is the birth certificate issued by the Registrar of Births and Deaths, which shows the date of birth as 17.7.1988. Obviously

petitioner got admitted in the school without production of birth certificate and hence mistake happened at the entry level in the school record. Since date of birth to be shown in the passport will be based on birth register; school register also should contain same date of birth.

In the circumstances, writ petition is allowed quashing Ext.P6 with a direction to respondents 2 and 3 to issue fresh certificates in the place of Exts.P2 and P3 by changing the date of birth of the petitioner from 17.5.1988 to 17.7.1988, within a period of three weeks from date of production of a copy of this judgment by the petitioner along with Exts.P2 and P3.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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